

REMARKS

Telephone Conference

Applicants wish to thank Examiner Guzo for the courtesies extended to their agent Steven Bacsi in a telephone conference on November 10, 2008, during which the outstanding rejection under 35 U.S.C. §112, first paragraph was discussed.

Status of the claims

Claims 2, 3, 5-13, 26-34, 83-85, 87, and 89-99 were pending in the present application. Claims 83-85 and 87 were previously withdrawn as drawn to a non-elected invention. By virtue of this response, claims 2, 91, 92 and 95 have been amended. Accordingly, claims 2, 3, 5-13, 26-34, 83-85, 87, and 89-99 are currently under consideration.

Support for the claim amendments can be found in the specification, for example, on page 19, last paragraph.

With respect to any claim amendments, Applicants have not dedicated to the public or abandoned any unclaimed subject matter and moreover have not acquiesced to any rejections and/or objections made by the Patent Office. Applicants expressly reserve the right to pursue prosecution of any presently excluded subject matter or claim embodiments in one or more future continuation and/or divisional application(s).

Specification Amendments

The specification is objected to as allegedly failing to provide antecedent basis for the claimed subject matter. Applicants thank the Examiner for his suggestion to clarify the specification by amending it to include the subject matter of claim 5. In view of the present amendment to the specification withdrawal of the objection is respectfully requested.

Rejection under 35 U.S.C. §112, first paragraph

Claims 2, 3, 5-13, 26-34, 91-94, 98 and 99 are rejected under 35 U.S.C. §112, first paragraph as allegedly failing to comply with the written description requirement, with respect to the claim 2 language that recites in part: a DNA binding domain “having” at least 90% sequence

identity to a DNA binding domain of certain amino acid residues of SEQ ID NOs: 5, 6 or 19.

Solely to expedite prosecution and without acquiescence to the rejection, Applicants have amended claims 2, 91 and 92 herein by replacing the phrase “DNA binding domain having” with the phrase “DNA binding domain that has.” Since the remaining claims all depend from claim 2 they similarly include the recited element as amended. Claim 95 is currently amended to correct a typographical error. The claim now recites a “DNA binding domain that has at least...”

In view of the foregoing, Applicants respectfully request reconsideration and withdrawal of the rejection under 35 U.S.C. §112, first paragraph.

CONCLUSION

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark Office determines that an extension and/or other relief is required, Applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 07-1048, referencing Docket No. GC590-2-C1. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Respectfully submitted,

Dated: November 14, 2008

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